

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN RE: MONITRONICS INTERNATIONAL  
INC., TELEPHONE CONSUMER  
PROTECTION ACT LITIGATION

MDL NO. 1:13-md-02493-JPB-JPM

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THIS DOCUMENT RELATES TO:

ALL CASES

**ORDER FOLLOWING STATUS CONFERENCE**

On May 2, 2019, the Court held a status conference to discuss with the parties various matters with respect to this action. Jonathan Marshall appeared in person for the Class; Jeffrey A. Holmstrand in person and Meryl Maneker by telephone appeared for Monitronics International, Inc.; Plaintiffs Craig Cunningham, Michael Worsham, and Vincent Lucas appeared by telephone; and Plaintiff Justin Giles appeared by one of his counsel, Jim Feagle, by telephone. Following a discussion with the parties who appeared, the Court **ORDERS** as follows:

1) A second distribution to the Class Members is approved with the funds for the administrative costs of the distribution to be paid to the Settlement Administrator from the remaining Settlement Funds.

2) The following cases are referred for mediation by Judge Mazzone between the Plaintiffs and Monitronics International, Inc., to be held on June 11, 2019 at a time and location to be set by Judge Mazzone.

- a. *Craig Cunningham v. Alliance Security, et al.*  
Case No. 1:14-cv-169
- b. *Craig Cunningham v. The Altitude Group, LLC, et al.*  
Case No. 1:15-cv-169
- c. *Michael C. Worsham v. Monitronics International Inc., et al.*,  
Case No. 1:15-cv-225

- d. *Michael C. Worsham v. Monitronics International Inc., et al.*,  
Case No. 5:16-cv-82
- e. *Michael C. Worsham v. Alliance Security, Inc. et al.*,  
Case No. 5:16-cv-127
- f. *Sandra Fairley v. Monitronics International, Inc.*  
Case No. 1:14-cv-54
- g. *Vincent Lucas v. Monitronics International, Inc., et al.*  
Case No. 5:17-cv-157
- h. *James Giles v. ISI Alarms NC Inc. et al.*  
Case No. 1:14-cv-20
- i. *Merrill Primack v. United Technologies Corp., et al.*,  
Case No. 1:16-cv-90

Counsel for represented parties must appear in person unless excused by Judge Mazzone and unrepresented parties must appear in person unless excused by Judge Mazzone.

3) No later than May 24, 2019, each Plaintiff who has not previously provided the Supplemental Statement as described in the Court's Summary Order Following Initial Scheduling Conference (Doc. 23) shall provide to counsel for Monitronics the information called for in that Order:

- a. The telephone number or numbers to which they contend calls were initiated in violation of the Telephone Consumer Protection Act (the "TCPA"), along with the type of telephone service (cellular or residential);
- b. The telephone company or companies that provided the service for each telephone number provided;
- c. Whether each telephone number provided was added to the National Do-Not-Call Registry, the date on which it was added, and whether it was ever removed;
- d. For each telephone number provided, the date and time, or dates and times, on which the plaintiff contends a call or calls were initiated in violation of the TCPA; and

e. The person or entity that the plaintiff contends initiated each of the calls at issue.

4) Prior to the mediation, the parties to each of the cases listed in Paragraph 2 above are directed to attempt informal resolution of those cases.

5) The stay previously entered in this matter (Doc. 1246) otherwise remains in effect.

6) Other matters discussed by the Court will be addressed separately.

The Court **DIRECTS** the Clerk of this Court to send a certified copy of this Order to any pro se party and to all counsel of record.

**5-16-2019**



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE